REMARKS

Applicant thanks the Examiner for the careful consideration given the present application. No claims have been added or canceled in this Response. Accordingly, claims 1-2, 7-10, 12 and 17-19 remain pending.

Applicant respectfully requests reconsideration of the instant application in view of the following remarks.

REJECTION UNDER 35 U.S.C. § 102

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Devine et al. (U.S. Pat. No. 6,763,376). This rejection is respectfully traversed.

Independent claim 1 recites a system responsive to client requests for delivering data via a network to a client comprising, among other things, at least one dispatch server receiving the client requests and a plurality of network servers. The system also includes dispatch software executing in application-space on the dispatch server to selectively assign the client requests to the network servers. The system further includes protocol software, executing in application-space on the dispatch server and each of the network servers, to interrelate the dispatch server and the network servers as ring members of a logical, token-passing, fault-tolerant ring network. For at least the reasons set forth below, Devine fails to anticipate claim 1.

Devine discloses a network management system that allows customers to manage communications services using a web server that communicates with a web browser. The management system includes a demilitarized zone (DMZ) 220 and an MCI Intranet 230. See figure 2. The DMZ 220 includes web servers and firewalls used

to authenticate the customers and process their requests. The MCI Intranet 230 includes a communications dispatcher and midrange servers that route requests to particular servers. See column 8 lines 3-9.

While Devine appears to disclose a dispatcher, he fails to specifically mention any dispatch software and therefore fails to disclose dispatch software executing in application-space on the dispatch server. The Office Action indicates that column 17 lines 9-15 disclose dispatch software executing in application-space. However, this part of Devine merely states that a StarOE server 330 communicates with a dispatcher 322 and a StarOE proxy 234. These devices receive requests from client applets 326, and the StarOE server 330 relays these requests to the appropriate application server 310. This part of Devine not only fails to disclose dispatch software executing in application-space, but also fails to even mention dispatch software. Accordingly, Devine fails to anticipate claim 1.

Devine also fails to disclose protocol software, executing in application-space on the dispatch server and each of the network servers, with the protocol software interrelating the dispatch server and the network servers as ring members of a logical token-passing ring network. The Office Action indicates that column 11 line 57 to column 12 line 2 disclose protocol software executing in application-space. Applicant respectfully disagrees. Instead, this part of Devine discloses adding midrange server connectivity to an Intranet Infolink data network in order to support increased client/server traffic. The reference further states that new servers will be added to the Intranet as required. Devine, therefore, not only fails to disclose protocol software, executing in application-space on the dispatch server and each of the network servers,

with the protocol software interrelating the dispatch server and the network servers as ring members of a logical token-passing ring network, but also fails to even mention protocol software. Accordingly, Devine fails to anticipate claim 1.

Additionally, Devine fails to disclose a fault-tolerant ring network. The Office Action indicates that column 11 line 57 to column 12 line 2 discloses a fault-tolerant ring network. Applicant again respectfully disagrees. With respect to a ring network, Devine merely discloses that the midrange servers use Infolink Token Ring connectivity. See column 11 lines 66-67. Even assuming, arguendo, that Infolink Token Ring connectivity is a logical, token-passing ring network, Devine still fails to anticipate claim 1 because the reference does not disclose a fault-tolerant ring network.

For at least the reasons set forth above, Applicant believes that the rejection of claim 1 is improper and should be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claims 2, 7-10, 12 and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Devine et al. (U.S. Pat. No. 6,763,376) in view of Jorgensen (U.S. Pat. No. 6,590,885). This rejection is respectfully traversed.

Applicant notes that claims 2, 7-10 and 12 depend from claim 1. As shown above, Devine fails to disclose dispatch software executing in application-space on the dispatch server; protocol software, executing in application-space on the dispatch server and each of the network servers with the protocol software interrelating the dispatch server and the network servers as ring members of a logical token-passing ring

network; and a fault-tolerant ring network. Furthermore, as explained below, Jorgensen fails to overcome the shortcomings of Devine.

Specifically, Jorgensen also fails to disclose dispatch software executing in application-space on the dispatch server; protocol software, executing in application-space on the dispatch server and each of the network servers with the protocol software interrelating the dispatch server and the network servers as ring members of a logical token-passing ring network; and a fault-tolerant ring network. Supporting this conclusion is the fact that the Office Action relies on Jorgensen merely because it purportedly teaches switching client requests at layer 4 and translating addresses associated with the client requests at layer 2 of the Open Source Interconnection (OSI) reference model.

For these reasons, whether considered alone or in combination, Devine and Jorgensen fail to render obvious claims 2, 7-10 and 12.

Independent claim 17 recites a system responsive to client requests for delivering data via a network to a client comprising, among other things, at least one dispatch server receiving client requests, a plurality of network servers and dispatch software executing in application-space. The system also includes protocol software, executing in application-space on the dispatch server and each of the network servers, to interrelate the dispatch server and network servers as ring members of a logical, token-passing, fault-tolerant ring network.

As noted above, Devine and Jorgensen fail to teach or suggest dispatch software executing in application-space on the dispatch server; protocol software, executing in application-space on the dispatch server and each of the network servers with the

protocol software interrelating the dispatch server and the network servers as ring members of a logical token-passing ring network; and a fault-tolerant ring network.

For at least these reasons, Applicant respectfully submits that the rejection of claim 17 is improper and should be withdrawn. Because claims 18-19 depend from claim 17, such claims are allowable for at least the same reasons as those presented above in regard to claim 17.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

Dated: 9-28-05

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